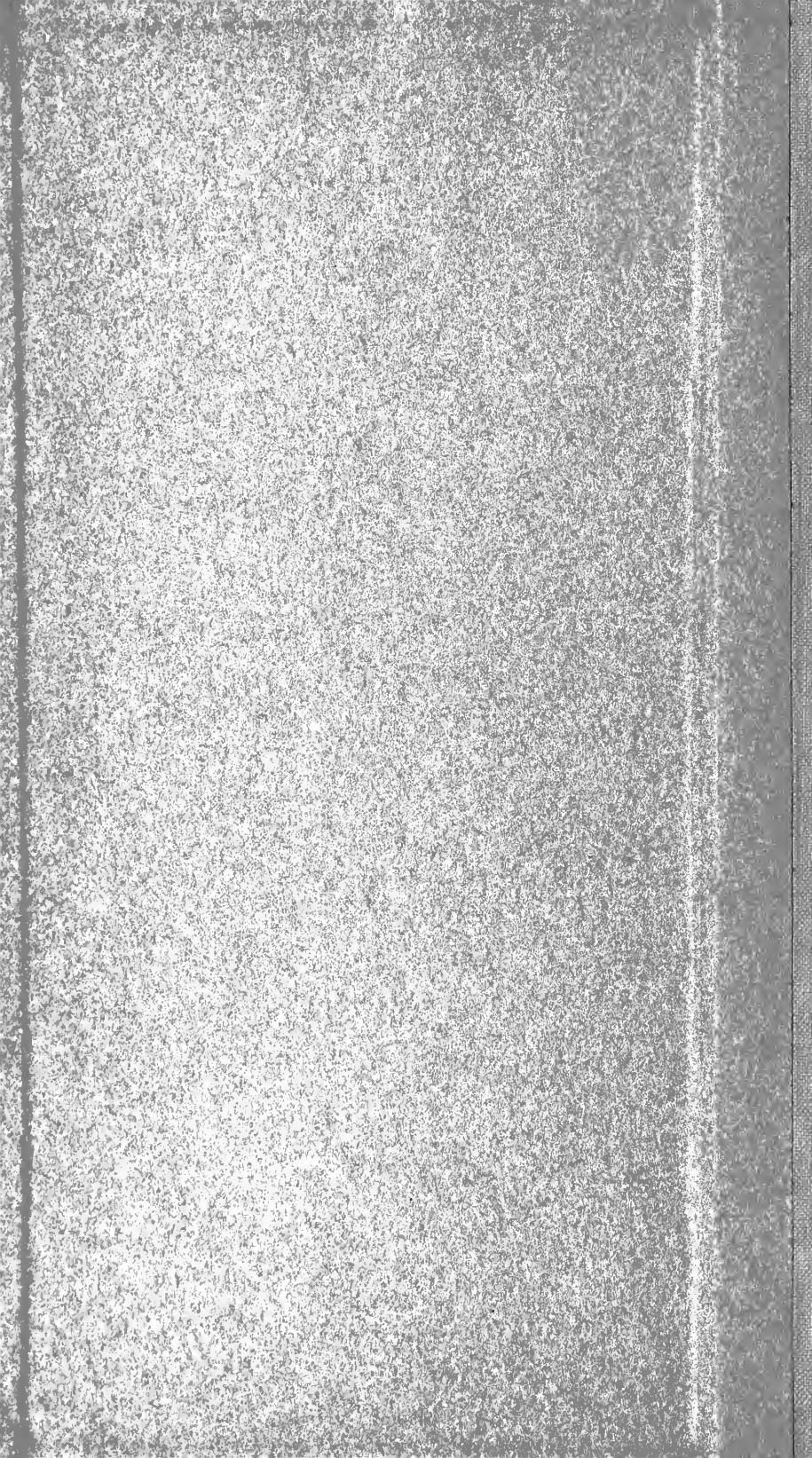


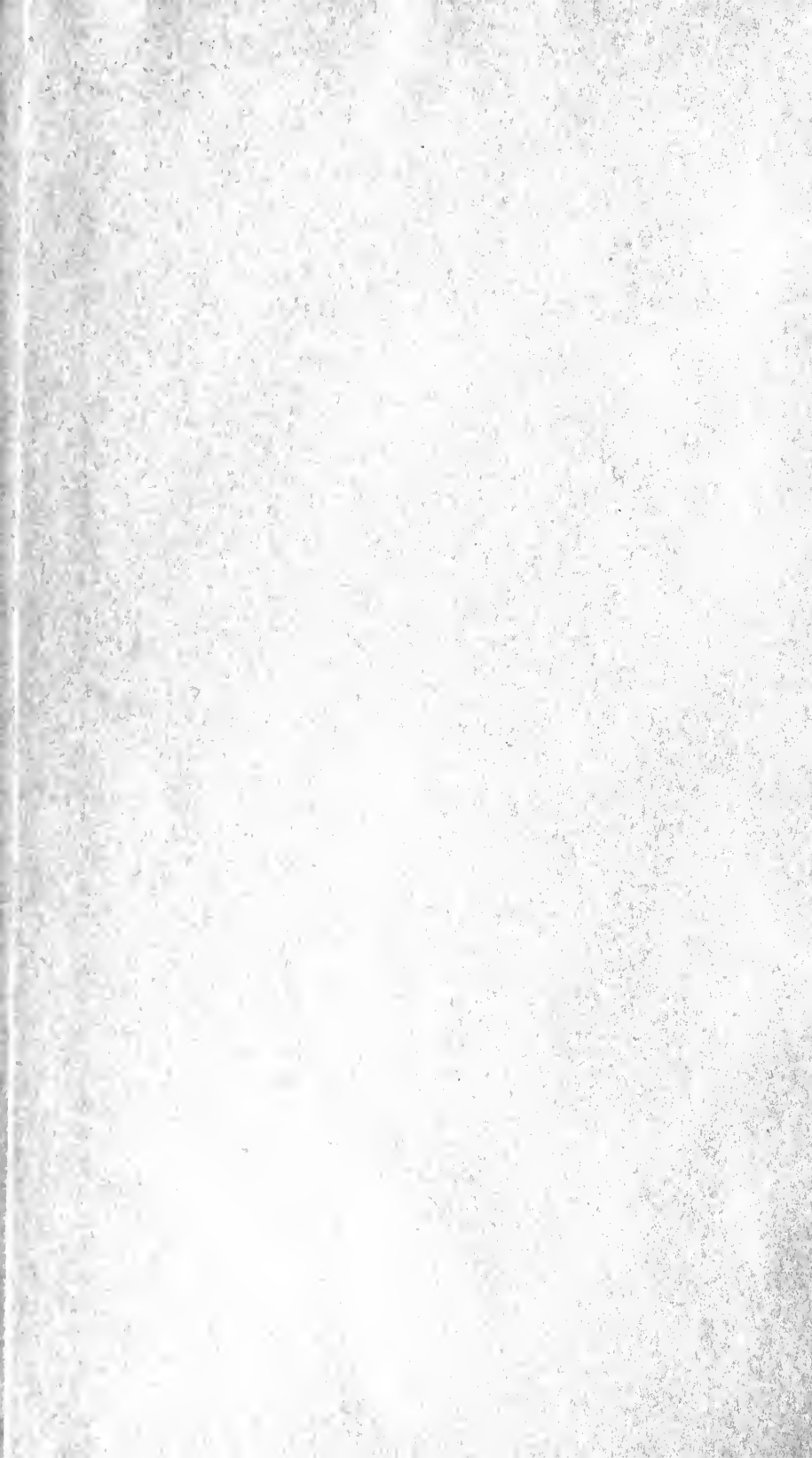
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Report



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REPORT

OF

THE TRIAL

OF THE

REV. DAVID BRIGHAM,

BEFORE REFEREES,

CHARGED BY THE TRUSTEES OF

FRAMINGHAM ACADEMY

WITH

FALSEHOOD AND DUPLICITY.

Lowell:

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REPORT OF THE TRIAL
OF THE
REV. DAVID BRIGHAM,
PASTOR OF THE FIRST CONGREGATIONAL CHURCH
IN FRAMINGHAM.

REFEREES :

JUDGE STRONG, of *Leominster*,
HON. WM. JACKSON, of *Newton*,
HON. EZRA MUDGE, of *Boston*.

COUNSEL FOR THE COMPLAINANTS,
CHARLES ALLEN, Esq., of *Worcester*, and
EDWARD MELLEN, Esq., of *Wayland*.

FOR THE DEFENDANT,
PLINY MERRICK, Esq., of *Worcester*, and
WM. J. HUBBARD, Esq., of *Boston*.

Mr. Mellen opened the case for the Complainants in a clear and forcible manner, illustrating as he proceeded, the nature of the aggravated charges preferred against Mr. Brigham. The Complainants allege in unequivocal terms that the Rev. David Brigham, Pastor of the First Congregational Church in Framingham, has been guilty of *falsehood* and *duplicity*.—that on the second day of June last past, the said Brigham held a confidential conversation with one Rufus T. King, a member of his own Church, and then Preceptor of Framingham Academy,—that in that conversation, the said Brigham told the said King in reply to his inquiry, if the Board of Trustees of the Academy were sectarian, that the Board “ would do all they could to *discourage* and *dishearten* him, and discharge or remove him at the end of the year,”—that repeatedly, the said Brigham expressed himself favorable to the continuance of the said King in the Academy, and gave the said King to understand that he

would act as his friend when the question of his re-engagement came up in the Board,—that on the 16th day of July following, the said Brigham, at a meeting of the Board of Trustees of the Academy, did, as a member of the Board, use all his influence to procure the removal of the said King,—that subsequently, in company with Mrs. Betsey Stone and Miss Emeline J. Stone, at the house of the said Mrs. Stone, the said Brigham did positively and unequivocally deny that he, the said Brigham, used his influence at the meeting of the Board of Trustees to procure the discharge of the said King,—that the said Brigham did positively declare to the said Emeline J. Stone, who is the betrothed of the said Rufus T. King, that he, the said Brigham, did not say a single word in the meeting of the Board against the re-engagement of said King, whereas it is notoriously true, that in common with the rest of the Trustees, the said Brigham did use his influence and speech against the said King,—that at a subsequent meeting of the Board of Trustees, the said Brigham in presence of the said King, did positively deny, in contradiction of the positive statements of the said King and Betsey and Emeline J. Stone, that he, the said Brigham, had ever told the said King, that the Trustees “ would do all they could to discourage and dishearten him, and discharge him at the end of the year,” and that the said Brigham, at the said meetings, has always denied, that he *ever* had a conversation with Mrs. Betsey and Miss Emeline J. Stone, of the character represented by them, but positively affirms that it was precisely the reverse,—whereas the said Trustees of Framingham Academy, to relieve themselves from the imputation of falsehood, have instituted these charges, and agreement is made upon a mutual reference to three impartial men, where each party implicated, may testify in the case.

Rev. Wm. Barry, sworn.—Am a member of the Board of Trustees of Framingham Academy, and also a member, with Messrs. Sanger and Adams, of a Committee to employ teachers. Rufus T. King was Preceptor of the Academy in 1838. On the 14th of July the Committee had a meeting to consult upon the expediency of re-engaging Mr. King, after the time had expired for which he was engaged. In consequence of Mr. King’s ill health, and the great decrease of the school since he had been in it, the Committee agreed unanimously not to re-employ him. Not being willing to act in this matter independently of the rest of the Board, a meeting of the whole Board was called on the 16th of July, Mr. Brigham’s opinion upon this subject was especially wanted, because Mr. King was a member of his Church. At this meeting the Committee reported that, on account of Mr. King’s ill health and the great diminution of the school, it was in their opinion not best to retain him. Confidence was

expressed in his ability, talents and integrity. The examinations of his school referred to, as illustrations of this, yet the Committee were unanimous against him, but thought best to submit the matter to the Board and be governed by its decision. Present all the members of the Board except Messrs. Edgell and Sanger. After the Report of the Committee was read, Mr. Brigham inquired if the contract with Mr. King extended beyond the year. Was told it did not. He did not dissent from the Report. It was then proposed that the opinions of the Board should be expressed individually upon the subject of Mr. King's removal. Mr. Brigham expressed his opinion the next or next but one after the Chairman. He said he had considered Mr. King a good scholar, and that he had been diligent and faithful, and imputed the smallness of the School to ill health,—that through its influence he failed in management. He remarked that the scholars did not seem to be attached to him—that he was not “*cometable*,” and thought he was not the man to make the school flourishing and prosperous. He at this time, alluded to Miss Stone, Mr. King's assistant; and remarked that, although her education might be sufficient for the place, her manners were not such as should be imitated by young ladies. The rest of the Board gave an opinion individually with their reasons, all in concurrence with Mr. Brigham's.

After this general expression of opinion, Mr. Brigham remarked that he hoped the decision would be communicated to Mr. King, so as to save his feelings as much as possible.—In company with Mr. Josiah Adams, I saw Mr. King the same day, and informed him of the decision of the Board, and told him it was mainly on account of his ill health. He appeared much surprised. Allusion was made by us to the great decrease of the school. He replied that many families in Mr. Brigham's Society did not send, because it was expected that he would not remain longer than that year. Said he thought the decision was influenced by *Sectarianism*. He said there was probably one cause of this to which all other causes might be traced, which was, that he belonged to Mr. Brigham's Church [orthodox]. We replied that it was unjust to assign such a reason, as it was not correct. Mr. King remarked that the decision was not unexpected, and that he was prepared for it, for said he, “one of your own Board has told me you would discourage and dishearten me and remove me at the end of the year.” I replied that, with the exception of Messrs. Edgell and Sanger, who were absent, all the

members of the Board were in favor of your discharge. He replied that it was neither of them. I then asked if Mr. Brigham had made the remark, and he said he would not say it was him or deny it. The Committee informed him that his ill health and its consequent effects were the only reasons of his discharge.

The Annual meeting of the Board was holden on the 23d of August. The Committee then reported all the material facts which I have now related. Mr. Brigham was present at this meeting. After the Report was read, Mr. Brigham remarked that owing to his relation to Mr. King, it might be thought he had made the remark which Mr. King had imputed to some member of the Board,—said he had not seen Mr. King but little for several months, and that he had had but one conversation with him upon the Academy for six months, and that was soon after he, Mr. King, had joined his Church. He said at that interview, King asked him if he thought the Academy was sectarian,—that he replied he had heard so, but that since he had been a member of the Board he had seen nothing of that character. He disavowed having made the remark which Mr. King had imputed to a member of the Board,—that his language to King was of a different character and that the impression he gave King was favorable rather than otherwise. Expressed my satisfaction with his avowal. Mr. Brigham repeated his remarks again and said he had but little or no intercourse with Mr. King, and that it was impossible that he could have used such language,—said that he had not witnessed any doings of the Board of a sectarian character. He expressed no desire to see Mr. King upon the subject.

The next conversation was at an informal meeting of the Board, called and holden on the 3d of September, for the purpose of hearing letters read which had been received from Mr. King. [We ought here to say that the Committee of the Board had previously written to Mr. King requesting the name of the member who had said that “the Trustees would discourage and dishearten him and discharge him at the end of the year,” and that these letters were in reply.] At this meeting, witness can’t say precisely who was present. Mr. Brigham was there. The letters from Mr. King were read, in one of which the name of Mr. Brigham was disclosed as the author of the remark. Mr. Brigham positively denied ever having made the remark imputed to him. Allusion was made in the letters that Mr. Brigham had made the same statement in

a Mr. Stone's family. He, Mr. Brigham, said he had had a conversation with the Stone family, but it was exactly the reverse of what had been stated by King. At his own suggestion, Mr. King was called in at the meeting of the Board. Reference was made to the remark about discouraging and disheartening; Mr. Brigham said there must be some mistake about it,—King said there could be no mistake, he recollected the time and circumstances,—that it was in Mr. Brigham's study, on the last Saturday afternoon of his last vacation (2d June), and that he could repeat other remarks made at the time if Mr. Brigham wished it,—that *he* could not be mistaken. Mr. B. here made no reply. King said that he repeated the conversation to his sister within one hour after it was had, and that she remembered it fully. Mr. Brigham then asked if he might not have been misunderstood, and said there was a remarkable misunderstanding. King said it might be *possible* but still it was morally certain that he had made the remark imputed to him,—said his recollection was clear and distinct upon the subject, and that he should state nothing but what he knew to be true,—was as sure that Brigham made the remark, as that he was there,—said he could have no possible motive to misrepresent it. Mr. Brigham here asked King if he did not recollect that he had told him that the Academy was not sectarian. King said he did not, that the language was entirely different. Brigham expressed no wish to hear the other remarks which King said he had made at the interview. The whole proceedings of the Board in relation to King's discharge were then related and Brigham still positively denied having made the remark to King that "the Trustees would discourage and dishearten him and discharge him at the end of the year."

I asked Mr. Brigham whether in his communication with the Stone family, he intended to convey the impression that he acted with the Board in discharging Mr. King. He said he did, and could not see how he could have been misunderstood. Mr. King remarked that his impression was otherwise, and that upon hearing the statement of Mrs. Stone and her daughter, he had been greatly relieved, inasmuch as they exonerated Mr. Brigham from having acted with the Board in their decision against him. Mr. Brigham appeared surprised that there should be such a misunderstanding between him and Mr. King. The meeting of Board was in the morning. In the afternoon there was to be a meeting, which had been adjourned from the annual meeting, and it was remark-

ed that there would be another opportunity for them to have another hearing at that time. Mr. King remarked that he had no other evidence to offer except that of his sister and Mrs. Stone and daughter—Mr. Brigham said he had no evidence but that of his wife, who was with him at the visit to Mrs. Stone's. Mr. Brigham and Mr. King said they would call upon the Stone family, and try to arrange an explanation. In the afternoon the Board met again. Mr. Brigham was present—said he had called upon Mrs. Stone and daughter during the noon time and that they meant to *misrepresent* him,—said they did not represent the character of his Church, and that we should see what credit was to be placed upon their evidence. He said Mrs. Stone said "the Unitarians would lie." Don't recollect that any thing was then said about Mr. King. Mr. Brigham remarked that if the Board had done questioning him, he should like to ask them if in their opinion he had shown any duplicity or done any thing for which he should forfeit their confidence. I remarked that it appeared to be a question of veracity between him and Mr. King. Mr. Adams thought the question premature, and that sufficient time had not been had to decide it,—said if Mr. B. wished, he would move an adjournment of the meeting, for the purpose of deciding it. A long pause ensued, and as Mr. B. did not request an adjournment to a subsequent time, the meeting adjourned without date.

On the 14th of December the Board met again upon the subject of a legacy, which had been bequeathed to the Academy. Mr. Adams offered a preamble and resolutions in relation to the conduct of Mr. Brigham, and proposed going into this investigation. Mr. Brigham objected to the movement, and remarked that no charges had been preferred against him. He at length said he should not object to the investigation. Allusion was made to Mr. King's statement, and Mr. B. replied that he did not speak with positiveness upon the subject. It was replied that Mr. King did speak with positiveness. Mr. B. then said, Mr. King was under excitement when he made the remark, and that his statements could not be entitled to much confidence. Mr. B. said he had never entertained other than friendly feelings towards the Board. Recollect but two more particulars in relation to the matter. Mr. King said he ought to have a fair chance in the school,—that he thought it would be larger than ever, but refused to give his reasons. Mr. Brigham remarked that he did not recollect using the expression to the Stone family,

that four fifths or five sixths of the Board were against M. King, and that he could do nothing. The Rev. Mr. Train was present at the informal meeting of the Board spoke of.

Cross Examined.—Have been settled in Framingham as Pastor of the Unitarian Church for about three years,—have been a member of the Board of Trustees of the Academy about two years, and was chosen on the hiring Committee about a year ago last Summer. Understood our duties to be to hire a teacher for a given time, with discretionary power to re-engage him or not. The object in getting Mr. Brigham's opinion upon the subject of discharging Mr. King, was to conciliate all parties—it was thought that if Mr. B. and his Society were anxious that Mr. King should remain it would be best to try him another year. Rev. Mr. Train, the Baptist Clergyman, is President of the Board,—Mr. Brigham is Orthodox, and all the rest of the members are Unitarians.

Question by Mr. Hubbard.—You say it was thought best to call a meeting to consult Mr. Brigham upon the subject of discharging Mr. King, why could his opinion not have been obtained without a formal meeting?

Answer.—It was not usual to consult individual members of the Board privately, upon any subject relating to the School, and it was thought best to have a general expression of opinion.

No measures were taken to ascertain the opinions of Mr. Brigham's Society upon the subject before the meeting. Don't remember that at the meeting any body regreted that an earlier notice had not been given to Mr. King, that it was the intention not to keep him. Mr. Brigham spoke strongly at the meeting in favor of his discharge. Mr. King said he was discharged because he attended the Orthodox meeting. Mr. Brigham said he had seen Mr. King upon the subject of the Academy but once for six months. Previous to this there had not existed to my knowledge, any ill feeling between the different religious societies.

Rev. Charles Train, sworn. Am a member of the Board of Trustees of Framingham Academy. Am President of the Board, was at the meeting on the 16th July. The hiring Committee expressed themselves against re-engaging Mr. King. They imputed no want of talents to him, but that his health was such as to make him not useful. The school diminished, and it was thought best to pursue such a course as would tend to improve it. Mr Brigham concurred with

the rest of the Board in the same opinion. Mr. King was not popular in town or in Mr. Brigham's Society. Mr. Brigham said at the meeting that Mr. King was not "*comeatable*" and expressed the opinion that it was not best to re-engage him. Mr. King employed Miss Stone as an Assistant,—Mr. B. said he thought she was capable, but that her manners were such as should not be imitated by young ladies.

The next meeting of the Board that I attended was on the 23d of August. Mr. Barry read a statement in which the imputation of falsehood was cast upon one of the Board. All appeared to be surprised when the paper was read. Mr. Brigham was the first to break silence. Said, from his connection with Mr. King it might be thought that he was intended. [All the facts in the direct examination, testified to by Mr. Barry, were substantiated by this witness]

Cross Examination. Mr. Adams expressed the opinion that something ought to be done, but that he did not know whether it was too early or too late. Before I signed the report upon which the evidence of the charges was based, I heard pretty much all the facts. Mrs. Stone and daughter called upon me to get my opinion of what course to pursue. They showed me letters prepared, asking dismission from the Church. This was when I was sick. I was confined about six weeks. Had a conversation with Mr. Turner—he said he thought Mr. Brigham did not mean to lie. I said it was hard for me to believe this of Mr. Brigham, but there were some strange contradictions about the matter. I have never expressed my opinion as to Mr. Brigham's guilt or innocence. Have never said that I did not believe that Mr. Brigham meant to tell a *wilful falsehood*. At the meeting of the Board on the 3d of September, Mr. Brigham said that Mrs. Brigham and he called at Mrs. Stone's, and that the conversation was the reverse of what had been stated by Mrs. Stone and Emeline.

Josiah Adams, sworn. At the meeting on the 3d of September, after Mr. Brigham had asked his question, I said, if he wished any further hearing I would move an adjournment, that he might have an opportunity to be heard. Mr. Brigham did not say anything in reply. This was the afternoon session. In the forenoon session letters were read from Mr. King, (same as testified to above.) Mr. King said the letter which was written first was sent last, as he changed his mind about giving the information. One letter, not containing the name, was received on Saturday. We were not satisfied—went to

see Mr. King on Monday morning, and got the letter in which he disclosed the name of Mr. Brigham as the author of the remark that the "Trustees would discourage and dishearten," &c. These facts were related to the Board. As stated before, Mr. Brigham expressed surprise at the letter—said the postscript of it was entirely false, which was that Mr. B. had made the same statements to the Stone family. This meeting had been called at Mr. King's request. (Conversation same as related by other witnesses about misunderstanding.) Mr. King said it was on the last Saturday of his last vacation, (2d June) that he called upon Mr. Brigham and held a confidential conversation with him in his study, upon the subject of the Academy. Said he could relate other remarks made by Brigham at the time, if he wished it. Mr. B. made no reply. King said he reported this conversation with Mr. Brigham to his sister within an hour after it was holden, and that she remembered it the same as he now did. King asked Brigham if he didn't recollect telling him that many of his people did not send to his school, because it was not settled whether he would remain longer than to the close of the year. Mr. Brigham said no such observation was made. Mr. Brigham then asked Mr. King if *he* did not recollect asking him if the Academy was *sectarian*. King said he remembered no such conversation.

At the meeting of the Board on the 14th of December, my preamble and resolutions proposing an investigation were offered. After they were read, Mr. Brigham objected and said he had not yet been charged directly with any crime. I asked him if upon any occasion and any where, any evidence had been offered against him. He replied that his accusers had been requested to bring forward their evidence, but that they had not done it, and that was all he had to say about it. Think this was his precise language, but cannot positively swear that it was.

Cross Examination. Am a member of the Board of Trustees. I drew up the report of the evidence, that was intended to substantiate the charges made against Mr. Brigham before the Church of which he is Pastor. I saw Mrs. Stone and her daughter first after they had sent in a request to be dismissed from the Church. [Witness here recognised a paper which he wrote for them, requesting a dismissal from the Church.] It was after all this that I brought the matter before the Trustees and suggested their action upon it. On the 23d of August, I called upon Mr. King and urged him to disclose

the name of the person who had said the Trustees "would discourage and dishearten him." Told him that, as one of the Board, I was not willing to share the imputation of having made such a remark. He said the cause of his removal was owing to sectarian influence. Told him he could not say so, as the three ministers were members of the Board, and they all concurred in the decision. Mr. King left town about the 10th of September. Before I made the Report spoken of, I did not call upon Mrs. Brigham to hear her explanation, and know not that any body did.

Rufus T. King, sworn. Was formerly Preceptor of Framingham Academy. Now reside at Charlestown, and teach a private school. During the vacation between my third and fourth term, I had a conversation with Mr. Brigham upon the subject of the Academy,—he asked me if the Trustees had re-engaged me to keep the Academy,—I told him they had not,—he said he thought it was desirable, and that an engagement should be made as soon as possible. He said persons had asked him about the school, and what the probabilities were of my remaining, and said he was unable to give them a satisfactory answer,—said if he could tell them I should remain another year, he thought the school would fill up. He named a gentleman, a Mr. Harding, who had a son who was nearly fitted for College, but that he was so young he wanted to put him to some school to study the higher branches. Asked me if I should be willing to instruct him in the advanced studies. I expressed a willingness to do it.

Mr. B. said he thought it desirable that I should engage, if possible, for two or three years,—said he thought the school would then be put upon such ground that nothing could prevent its being and remaining an orthodox school,—he made this remark to me at several different times. The next conversation I had with Mr. Brigham was on the last Saturday afternoon of my vacation, about the 2d of June. I called upon him, and he invited me into his study. Remember four or five observations made by him at that time,—he said he didn't doubt the trustees would "discourage and dishearten me and get me away at the end of the term," or to that effect,—said he knew persons in his society were deterred from sending to me, because it was believed that I should be removed at the close of the term,—said he did not doubt that he was chosen into the Board for no other purpose but for getting subscribers in his society, for building the new Academy,—said if he was a young man he should not wish

for a better place than Framingham for commencing an evangelical school,—said he would not advise me to do it if the Trustees would do what was right. I went home and directly told my sister of this conversation. Within a day or two, and perhaps the same day, I mentioned it in the family of Mrs. Stone, to her and Emeline. No person was in Mr. Brigham's study at the conversation alluded to but him and myself, except that the children were running in and out.—This conversation came distinctly to my mind when Messrs. Barry and Adams conversed with me upon the subject of the decision. In this conversation Mr. Adams said he thought I had done my duty and more too,—Mr. Barry said if I had exerted myself less I should probably have succeeded better, on account of my health,—they said the Trustees are of the opinion that my health was not sufficient to carry on the school successfully. I told them I knew my health was poor, but that I did not like that that should be assigned as a reason of my discharge, while there was another reason to which all others might be traced,—that I thought I had been turned away on sectarian grounds. Mr. Barry said he did not see how I could say that, as the three ministers of the place were all unanimous in the decision,—told him I had heard from more than one source that I was to be discharged at the end of the term. Mr. Adams said no person worth minding had said so. I replied, that one of the Board had told me that such would be the case. [Witness concurred with Mr. Barry in his statement of the transactions which occurred after this.]

In two or three weeks after this I received a letter from the Board, requesting the name of the person who had said the Trustees would “discourage and dishearten me.” My first impression was that I must give the name, but upon advising with some of my friends, I concluded to write a note, declining to give the name. I wished to get away in peace, and wished not to involve the accused in trouble. I wrote two letters,—the first one gave the name,—this letter I concluded not to send, but wrote another, declining to give the name, which was sent. On the 3d of September a meeting of the Board was holden in the forenoon. [The proceedings of that meeting, as related by other witnesses, Mr. K. fully concurred with.]

In the conversation with Mr. Brigham, I told him I could state other remarks if he wished it, but I did not state them because no one asked me. Mr. Brigham in conversation al-

ways gave me to understand that the Board were sectarian, and not that it was not the case.

Sometime after this, in walking over the common with Mr. B., I asked him if he recollected telling me this was a good place to establish an evangelical school.—said he did,—asked him if he remembered to have told me, that he thought he was chosen upon the Board merely to get subscriptions in his society, for building the new Academy,—said he did recollect that. I thought it strange that he should remember these remarks and have forgotten the others which I charged him with before the Board. I conversed with Mr. B. again about the last of July,—he called upon me about a week after the Trustees had communicated their decision,—said he heard I was laboring under a mistake as to his proceedings before the Board,—that he wanted the matter explained,—he said the hiring Committee had decided not to re-engage me before the meeting of the Board was called,—that he doubted their right to do thus, and that he considered the calling of the meeting as a mere matter of form,—said instead of the vote's being unanimous against me, there was no vote taken—said he had said nothing before the Board in favor of my leaving,—that four fifths or five sixths of them were against me, and he thought it would not be pleasant for me to stay if I could. At the close of this conversation, I was satisfied that he had not acted against me, and did not ask him any further questions. When he spoke of the four fifths or five sixths, I said I thought it was acquiescence and not unanimity. He said it was.

At the meeting of the Board, on the 3d of September, Mr. B. allowed that the Board had reported correctly as to the part he took in the decision against me,—said he always intended I should understand that he concurred with the Board in their decision against me. It was proposed that we should meet at Mrs. Stone's, as Mr. B. thought an explanation might be had. We did meet there. Mr. and Mrs. Brigham, Mrs. and Miss Stone, and myself, were present.—Mr. B. remarked that there must be some great misunderstanding about former conversations. Mrs. Stone said there could be none,—that they remembered the particulars so well that they *could not* be mistaken. Mr. Brigham appeared a good deal excited, and said if they had made up their minds about it, there was no use in talking. They said it was hard treatment to have their minister deny what *they knew* to be

true.—they said they should not be satisfied until he confessed the wrong.

This was the substance of what was said then. I joined Mr. Brigham's church last spring, in March,—have had five or six conversations with him upon the subject of the Academy. Have no doubt of the correctness of what I have now sworn to.

Cross Examination. Came to Framingham to reside early in the autumn of 1837. My first vacation embraced Thanksgiving week,—the second, the last of February and first of March,—the third was about the last of May. I first attended the Unitarian meeting. Went to Mr. Brigham's from the Autumn preceding the Spring that I joined his Church. [The witness at this point was questioned as to his being engaged to marry Miss Emeline E. Stone, which he declined to answer; it was admitted, however, by Counsel, that there is such an engagement.] Witness can't say at what time, precisely, he became engaged to Miss Stone, but considered himself so engaged about the first of March last. Recollect asking Mr. Brigham's advice, at one time, upon the expediency of employing Miss Stone as an assistant in my school.—asked him in regard to her literary qualifications,—he said he did not know,—that she had taught here before he came, and that he had heard she had a large school,—he said he thought it would be better to employ some person from out of town,—said he could recommend a Miss Brigham as a suitable person,—said he should be perfectly satisfied himself to have Miss Stone, but he thought a stranger would be preferred. Did not confer with him about employing a Miss Brewer. Have had no conversation with Mr. Brigham upon this subject since the Saturday afternoon referred to, except when he called to see me. Have never said Mrs. Brigham was present at the conversation with him, and never stated that the conversation was had in his parlor. Am as confident about the *time* and *place* as I am about the conversation, and recollect *that* as clear as though it were all before my eyes now. Did not go to Mr. Brigham's on the 2d of June particularly to converse about the Academy,—did not tell him, as I recollect, that I wished to ask him questions that he might be unwilling to answer. The letter which I first wrote to the Trustees was left with Miss Stone,—can't tell how it came there,—it was written at the house where I live,—rather think Miss Stone took it down with her,—it was unsealed. She did not know about it till it was written, I made no ef-

fort to seek an explanation with Mr. Brigham. I have stated all the conversation that took place in M. B.'s study.

Emeline E. Stone. Mr. King immediately communicated to us the conversation he had with Messrs. Barry and Adams, in relation to the decision not to re-engage him in the Academy. He said they called upon him the morning before he called upon us,—he said they said the Trustees were unanimous in their decision against him,—he said he told them it was a sectarian thing, and that Mr. Barry replied “don't lay it to the Unitarians, for you know the three ministers of Framingham, Mr. Brigham, Mr. Train, and myself, belong to the Board, and the decision was unanimous,” and that he said Mr. Brigham was one in *particular* who decided against him. About the 23d of July, Mr. and Mrs. Brigham called at *our* house,—mother immediately commenced the conversation by saying “Mr. Brigham, you voted Mr. King out of the Academy, did you not?” Mr. Brigham said he had not, there was *no vote* taken. Mother said that Mr. King called upon us the morning after the decision of the Trustees, and said that Messrs. Barry and Adams had called upon him the evening before, and stated the decision of the Trustees, not to re-engage him as instructor, and that they said the *vote* was unanimous against him,—he said he told them it was a sectarian thing,—that Mr. Barry replied, “don't lay it to the Unitarians, for you know,” &c., as before stated,—he said there was not a dissenting voice at the Board, and mentioned that Mr. Brigham was particularly against him. Mr. Brigham here asked “what the committee said about Mr. Train?” Mother said, not any thing. Mr. Brigham said that was because he was of another denomination,—mother said she supposed it was. I then said to Mr. Brigham, did you not decide against Mr. King? He hesitated, and at length said the proceedings in that Board were sacred, and must not be divulged. I said, if the Trustees have told falsehood is it not right that you should deny it, even if the doings are sacred? He said yes. I said, then you did not say anything before the Board of Trustees, did you? He said he did not say anything. he did not speak, he did not give any reasons,—they were not called for; if they had been, he should have been willing to give them. There, said mother, “them Unitarians lied, and I did not believe before, but they told wrong, and I told Mr. King so.” Mr. Brigham said that the hiring committee came before the Board to make their report against Mr. King,—that the business was all done before the meeting

was called,—that there was nothing for the rest to do, and there was no use in saying anything,—said he did not say anything before the Board, because four-fifths or five-sixths of them were against Mr. King, and he thought his situation would be unpleasant to stay, even if he would. Mother then said, if you knew they were going to turn Mr. King off, why didn't you go to him, as a friend and member of your church, and make known their intention? He said he knew nothing about it. Mother said, why didn't they let him know,—it is wrong,—can they expect to prosper by pursuing such a course? Mr. B. said no, they cannot. Mother said she conversed with him as a friend, she thought it her duty to do so, she thought the reports might be injurious to him, as they were among Unitarians. We both remarked we were glad we had had this conversation, as it explained many things. Mr. Brigham then declared again that the proceedings of the Board were sacred, and if any of that Board of Trustees had divulged anything that was said in their meeting, their word was not worth receiving. He said it with emphasis, putting his finger [☞] out at the same time. He said there was a vote taken that nothing should be divulged. Mr. B. said he doubted the authority of the committee to decide against Mr. King, but thought that such things ought to be decided by the Board. This is the whole of the conversation at that time. I immediately communicated this to my brother, Edward, and mother mentioned it to father and Mr. King.— [In explanation of the position of this family, it ought to be stated that the father and brother of the witness are Unitarians.] Mother told Mr. King that Mr. Brigham intended to call on him. On the 3d of September, Mr. and Mrs. Brigham and Mr. King called at our house. Mr. Brigham denied the substance of what he had previously said at our house. He made no explanation, but denied a great many times that he had said what we knew he had said. Mother said she should not be satisfied until he confessed the falsehood. He asked mother if she was infallible, and said there was a great misunderstanding. Mother said there was no misunderstanding. We both then told Mr. Brigham that we should not be satisfied until he confessed the falsehood. Don't recollect that mother said anything to him about his tone and manner. Towards the close of the conversation, I said it will do no good to converse, Mr. B., unless you confess. Mother said it was cruel that he should cast the falsehood upon her. Had never communicated Mr. B's. conversation to any of the Board of

Trustees until after this. First related it, a day or two after, to Messrs. Adams, Brewer and Wheeler. I put it in writing at their request. When we said to Mr. Brigham that "*those Unitarians lied,*" he made no reply whatever. He left the house, without saying whether they had lied or not. On the 15th of September, mother and myself called at Mr. Brigham's. Present Mr. and Mrs. Brigham and ourselves. Mr. B. said he had regretted very much that he had not reproved us, at the time when we said "them Unitarians lied," for he thought we ought not to make such accusations against any one. Mother said, you went before the Board of Trustees and told of it. The Trustees had mentioned it to us, and we had acknowledged it. Well, he said, he was very glad he had.

Cross Examined. Before the 3d of September we never had any explanation with Mr. Brigham. We had conversed in our family about it before this, and mother had talked with father, Edward and Mr. King about it. When Mr. and Mrs. Brigham called at our house on the 23d of July, there had been no conversation in our family upon the subject of Mr. King's removal. At this time Mrs. B. came into the house before Mr. Brigham. Mr. B. did not reprove us *at the time* for saying the "Unitarians lied." Mother and myself had not conversed upon this subject between the time of Mr. King's removal and the time Mr. B. called. I recollect meeting Deacons Haven and Temple and brother Patten Johnson at Mr. Brigham's, to converse upon this subject. I read a statement of our grievances, signed by mother and myself. These statements are true. [They were identified by witness, and are similar to the charges made against Mr. Brigham by the Trustees on the 3d and 4th pages.] After I had done reading, Mr. Brigham said he denied part of the charges and admitted part. Mother said she was dissatisfied. Don't recollect that mother then said she should not be satisfied until Mr. B. confessed that he had stated falsely.

The morning after Mr. King told us the Board had decided against him, mother told him that "them Unitarians lied." Don't recollect that she made the remark at any other time. The reason of our calling upon Mr. B. was to take measures for a reconciliation. The first measure was to advise with Deacon Haven, and the second step in discipline was our meeting at Mr. Brigham's house. We applied to the two Deacons for advice about the 11th of October. Fix this date by a memorandum made about five or six weeks ago, from

recollection. I got the Deacon's opinion before I conferred with father about the matter. Mr. Adams (one of the Trustees) was called in to assist us at father's request, without our knowledge at the time, that he was coming. Mr. Adams afterwards prepared the communication or statement which was laid before the Church. Mother and myself suggested *all* the topics it contained. Father thought we needed some assistance, which led him to call in Mr. Adams. Mother had conversed with father about this before, but I don't think that I had. We were called upon by the Church to prove the accusations we had made against Mr. Brigham. The suggestion of referring this difficulty in the Church to the decision of arbitrators was made, I think, by my father.

Question by Mr. Hubbard. Then you did not suggest *all* the topics contained in the statement to the Church, did you?

Answer. I think father suggested a reference of the difficulty.

I never before heard of such a method of settling Church difficulties. I wrote the request for a dismissal from the Church,—it was dated October 20th. [Paper was identified by witness, but no date was found upon it,—it was presented to the Church on the 28th of October.]

I recollect calling upon Mrs. Brigham and telling her that she and her daughter had appeared *cold* towards me for some time. This was before the 3d of September, and *after* it was decided that Mr. King should leave. Can't tell the precise time. I told her there was a coldness towards myself from her family, but did not say how long it had existed.

Question by Mr. Hubbard. Did you assign a reason for this coldness?

Answer. I did.

Question. What was it.

Answer. I don't recollect.

Question by Mr. Merrick. Did you or not tell Mrs. Brigham that you thought the cause of this *coldness* was, that she and her daughter Elizabeth [a young lady about seventeen years of age, witness about thirty] wished that Mr. King should pay attention to Elizabeth instead of yourself?

Answer. I think I did tell her so.

I never imputed any coldness to Mr. Brigham. When this was said, Miss Elizabeth burst into tears and left the room. Don't recollect that she protested; she was about to speak, but her mother objected, and she left the room. I went to see them at this time, because a friend had told me they

were talking against me. Mr. King had told me so, and another person had also told me the same. [Witness here refused absolutely to divulge the name of her informant.] I had never stated to any person that Mr. King would leave at any rate, and have never so stated at any time. It was Mrs. Brigham's appearance, as much as what I had heard, that induced me to go and talk with her.

In chief again. Last April, at Mr. Brigham's house, in presence of myself and my mother, I heard Mr. B. say that he hoped Mr. King would remain in town three or four years.— He asked me whether or not it was decided that Mr. King should remain. He said he thought his friends would send to the school, if Mr. King should remain. More than once I have heard Mr. B. express a favorable opinion of Mr. King.

Cross Examined. Can't tell how many times I have heard Mr. B. express himself favorably of Mr. King.

Mrs. Betsey Stone, sworn. I have resided in this town about thirty-three years. Have known Mr. Josiah Adams a long time. He boarded with us more than twenty years ago. When Mr. B. came to our house on 23d of July, he said, that if he was a young man he should not wish a better place than this to establish an orthodox school, and that he thought funds could be raised in his society to support it. I think these were the precise words he used. I attest to all my daughter has stated, but dont know as I can relate it in the order she has. [The witness here went into a minute detail of all the facts stated by Emeline E. Stone, which it is of course unnecessary to repeat here.]

I told Mr. King on the 23d of July that "them Unitarians told wrong," and that I had unbounded confidence in Mr. Brigham. My daughter was formerly very intimate with Mr. Brigham's family.

Cross-Examined. Conversed with my husband about the decision of the Trustees the next day after Mr. King was informed that he was not to be re-engaged, I think, but can't recollect fully. I told him I thought the Trustees had stated falsely about Mr. Brigham, but I stated it stronger to Mr. King than to him. Saw Mr. Brigham first after the decision against Mr. King, on the next day. Previous to the 3d of September I had conversed with Mr. King as to the correctness of Mr. Brigham's statements. I stated to him the substance of what Mr. Brigham had told us—he expressed doubt as to its correctness—he said he wished he had told Mr. Adams and Barry all that Mr. Brigham had said and *unmasked*

the hypocrite. This was the same day that Mr. Brigham and his wife called at our house,—the 23d day of July. Mr. King expressed all that I have stated,—I remonstrated, and tried to convince him, as I was satisfied of Mr. Brigham's innocence until the 3d of September. I had never charged him with falsehood, till that time. We first called on the brethren for advice, called on brother Johnson first, then on Dea. Haven, and then on Dea Temple. My object was to get Mr. Brigham to confess and not to explain. I conversed with brother Johnson on this subject three or four times and with Dea. Haven five or six times. The next meeting I had with Mr. Brigham after the 3d of September was on the 15th, at a meeting at his house. The written statement was read there,—after this, I said I was dissatisfied, but all that I had against him was in that writing. Did not, I think, ask him to confess he had lied,—asked him to confess the falsehood, but not that he lied. Have said that I thought Mr. Brigham one of the most perfect men living.—When I first told Deacon Haven, he expressed surprise. I told him if he would call upon Messrs Adams, Brown and Wheeler, they would tell him more about the falsehood and deception of Mr. Brigham than I could. Mr. Brigham did not reprove us on the 23d of July, when we said “them Unitarians lied.” I have been a member of the Church over which Mr. Brigham is Pastor, for twenty-five years, and my daughter Emeline has been a member eight years. We called at Mr. Brigham's once, at the suggestion of Dea. Haven, who told us, that Mr. Brigham would confess any thing.—When we called, Mr. Brigham said he would not confess all the statements in our writing. Don't recollect that he said he couldn't conscientiously do it.

Josiah Adams called again. The first I had to do with this case was about the last of October. The citation from the Church to Mrs. Stone to produce her evidence, was dated on the 28th of October. Mrs. Stone knew nothing of my proceedings. I had no knowledge that she was doing anything in the Church, till she applied to me as counsel. At their suggestion, I drew up the statement of charges which was presented to the Church. Mr. Stone brought to me a statement which he said he took from them, they said so too.—Most of the facts were communicated to me after they applied to me as counsel. The question of a reference came by Mr. Stone, and as he said, was suggested by Mr. Fletcher, of Boston.

[*Lydia King* was here called to swear as to what her brother told her immediately after he said he had conversed with Mr. Brigham, but the Referees ruled, that what she might say would not be competent evidence, and it was omitted.]

The resolutions of the Board of Trustees, by which it was agreed to commence the investigation of this case, were put in here, with the records of the Academy, all of which, however, have but little bearing upon the main points at issue, and the case closed for the complainants.

DEFENCE.

The defence was opened by WILLIAM J. HUBBARD, Esq. with great ingenuity and skill, and he rested it mainly upon a clear exposition of the facts, sustained by all the moral probabilities in the case. He proposed to show many inaccuracies in the testimony of the witnesses for the complainants, and prove, beyond a doubt, that in many important particulars they must have been mistaken.

Fifteen witnesses were called and sworn, but they did not all subsequently testify.

Rev. Jacob Ide. Am a Minister of the Gospel. Have known the Rev. David Brigham more than twenty years.—Shortly after he left College he came with me to study divinity,—he was with me five or six months,—have known him intimately ever since, and have always known him as a man of sterling integrity and merit. He has been regularly in the ministry ever since he was licensed to preach. I was conferred with by the Church as to this investigation, and gave my advice as to the proper course to pursue.

[The Rev. Mr. Harding, Rev. Calvin Hitchcock, Rev. John Wilder, and several other gentlemen, were called and severally swore as to Mr. Brigham's excellent character and unimpeachable veracity.]

Rev. Calvin Hitchcock. On Friday of election week, on the 1st day of June last, I met Mr. Brigham in Boston,—I took him into my chaise and carried him to Randolph on the same Friday evening. He left my house that night for East Randolph, and agreed to return and preach for me on Sunday, 3d of June, if he did not go from East Randolph to Fall River.

Cross Examined. Do not know positively that he went to Fall River, but he did not return to preach for me.

Rev. Mr. Harding. On Wednesday, the 6th of June I met Mr. Brigham in East Medway, with his son, proceeding towards home.

Rev. David Brigham, the accused, sworn. I recollect having had a confidential conversation with Rufus T. King, but the precise time I cannot positively state. Ever since this subject has been called up, my impression has been that it was in the latter part of winter,—should think the interview was in the vacation, about the last of February, cant positively fix the time only by circumstances. Mr. King called at our house and took his seat for a while in our sitting room. Recollect none of the conversation in that room, aside from passing the usual compliments upon meeting. There was company present, and Mr. King was invited into my study. After we were seated there, he commenced the conversation by saying that he wished to have a confidential intercourse with me, and as I was a member of the Board of Trustees, and as he belonged to my Church and Society, he wished to make some inquiries respecting the Academy, which I could answer, if I judged them proper questions. He then asked me if I considered the Academy as *sectarian* in its character, and whether I thought they would exert their influence against an orthodox teacher. In reply, I said I had been here comparatively but a short time, that he was probably as well acquainted with its general character as I was,—that it was six or seven years only since the division of the religious society formerly under the care of Mr. Kellogg,—that after that division and during the ministry of my predecessor, Mr. Trask, he made an effort to get up another school, that this created considerable excitement, as I understood,—that probably a great many wrong things were said and done on both sides, as is usual upon such occasions,—that I supposed the Academy had been considered sectarian in its character and influence, that I thought this might be the feeling to some extent at the present time,—that I recollected having been told by some of my people, that if a teacher was Orthodox the influence of the Board would be exerted against him. I told him that since my connection with the Board I had seen nothing in my interviews with them, indicating that they were acting under the influence of sectarian feelings,—that in all their transactions every thing had appeared fair and honorable.

In this conversation I stated to Mr. King that one of the Board had previously been to our house, in consequence of such rumors, and disclaimed any such thing,—that he said it would make no difference what meeting a teacher attended, if he was well qualified for the business. I stated to Mr. King, farther, that the Board had uniformly manifested kindness and respect to myself,—that my Unitarian neighbors had manifested the kindest feelings to myself and family ever since we had been in the place, and that I hoped those feelings which had existed in the community, were wearing away. I think it was at this time that Mr. King suggested to me his views upon employing Miss Stone as his assistant. He said he thought of employing her, and asked my opinion upon it. I told him I was not acquainted with her qualifications, that I had heard she had kept school here, but it was before I came,—that as to my opinion and advice, he probably recollected my views when it was suggested that Miss Brewer should go into the school, viz : that a “prophet is not without honor save in his own country,” and that I thought it would apply to a prophetess,—said I thought it would be safer and better to employ a stranger. Don’t recollect any further conversation at this interview. I did not then know the fact, that Mr. King and Miss Stone were engaged to be married,—such was the report, but I did not know it. The next conversation I had with Mr. King was, as near as I can recollect, on Tuesday morning, the 29th of May. I told him I was going to Boston to attend the Anniversaries, and that I should probably visit Randolph, my former Parish,—that some of my friends there had children they were calculating to send to school somewhere,—that if they should conclude to send them here they would like to know whether the present teacher was to continue in the school longer than to the end of the term,—that people didn’t like to send to school where there was a continual change of teachers, as that change was injurious, &c.,—that I wished to know if the Board had said any thing to him about a re-engagement, as I might be inquired of. I think he said nothing had been said to him upon the subject,—he might have said that he had spoken to Barry and Brewer, but he said nothing had been done. I told him I thought it time the question was settled. I then told him that Mr. Harding, a friend of mine, had spoken to me about sending his son to some place to attend to the higher branches of mathematics and other advanced studies. Mr. King said he should be willing to re-

ceive him and give him such instruction as he should be able to. Recollect nothing further in regard to this interview.

I went immediately to Boston,—this was on the 29th of May. I left Boston on the 1st of June, on Friday,—went to Randolph with Mr. Hitchcock,—went from his house immediately over to East Randolph, a distance of two miles,—staid there all night with my brother-in-law. I left there on Saturday morning, with my eldest son, David, and went to Fall River, a distance of thirty-six miles,—arrived there in the middle of the afternoon, Saturday, the 2d of June,—I spent the Sabbath, Monday, and part of Tuesday there,—started after dinner on Tuesday and came to Taunton, and spent the night with the Rev. Mr. Cobb,—started from there on Wednesday morning, sixth of June, and arrived at Framingham just before night, about an hour before Mr. Morse's stage arrived. I preached at Fall River on Sunday, all day, for Rev. Mr. Fowler. Fix this time from the fact, that I always mark my sermons when I preach them, and that I find one marked as preached at Fall River, on the 3d of June. [Sermon shown and marked as stated.]

The next interview I had with Mr. King was at Mrs. Stone's, with Mrs. Brigham, on the 1st day of August. Fix this time from the fact, that I make a memorandum of all the calls I make through the year, and find by that, that I called at Major Wheeler's and at Mrs. Stone's on this day. [Memorandum shown.] At our meeting at Mrs. Stone's, the interview was in substance as follows:—Mrs. Stone said, "well, you have voted Mr. King away, haven't you"? I avoided a direct answer, by turning the conversation upon something else. Mrs. Stone repeated the inquiry. I then stated to Mrs. Stone, that I supposed what was done in the Board had better not be repeated. Mrs. Stone or Emeline then said, that Mr. Barry had told Mr. King, that I had voted Mr. King away. Emeline then asked "if they had told what was untrue if it was not right that I should defend myself"? I told her I supposed it was right. Mrs. Stone then remarked that it was said the vote was *unanimous*, and repeated again, "*you* voted him away, didn't you"? In reply, I said, Mrs. Stone, I have not voted Mr. King away;—here Mrs. Stone interrupted me, by exclaiming "I told my husband and Edward that Mr. Barry lied." Said I, Mrs. Stone, that is a hard accusation to bring against any one, and you ought not to do it without evidence. Emeline then said, Mr. Brigham, "the Unitarians have lied and they will lie." I then asked

Mrs. Stone if she would allow me to state what the proceedings were, before the Board. Said I, Mrs. Stone, I have not voted Mr. King away, because there was no vote taken. It was an informal meeting of the Board, of course they could take no action upon the subject,—told her that the hiring committee had previously agreed, not to retain Mr. King, and that they called the Board together, not wishing to take the whole responsibility of the decision,—told her that each member was called upon to express his opinion, and that it was true as Mr. Barry had told her, that the Committee were entirely agreed in their opinions. I told her the same reasons were assigned by all the members of the Board, which were Mr. King's ill health and secluded habits. Mrs. Stone then asked if those were all the reasons assigned,—told her they were all the reasons. She then asked if I assigned no other reasons,—told her I did not, none were called for.—Miss Emeline said it was hard that the Board should neglect so long to give Mr. King notice, as he was poor and had no other place in view. To this Mrs. Brigham replied, that she didn't see why they should feel so hard towards me for acting with the Board in this thing, as she had understood that Mr. King had said, that he did not wish to stay, and would not stay at any rate; and I have heard, said she to Miss Emeline, that you have said so. Miss E. denied having said so. Recollect nothing more that occurred at this time. On the 3d of August I called upon Mr. King. The conversation commenced by a reference to the interview Miss Emeline Stone had had with Mrs. Brigham and Elizabeth. I told him my daughter was young, and felt unpleasant about attending school to him and Miss Stone, if they were indulging feelings of *jealousy* towards her,—asked him if such was the fact,—he declined answering, and said if Miss Stone had made such statements she must be answerable for them. I then told him that my daughter wished to leave the school unless he explained about the jealousy. He made no reply. I then called his attention to the impression he had got in relation to my proceedings before the Board. [Here witness repeated the same explanation which he had previously made to Mrs. and Miss Stone.] I attended the meeting of the Board on the 3d of September, and at noon called upon Mrs. Stone and daughter. Mrs. Brigham was with me, and also Mr. King was there. I stated to Mrs. Stone that I came to converse upon the previous conversation I had there, in relation to the decision against Mr. King,—told her there was a

misunderstanding,—she said there could be no mistake about it,—she said if I was ready to confess that I had told a falsehood, that would satisfy her, and nothing else would. I then said, if no explanation can be had, it must remain as it is till the great judgment day. Mrs. Stone then repeated her declaration, that I had told a falsehood, and said it was strange that I should deny it. I simply said I was not conscious of having told a falsehood. Reference was then made to the supposed coldness between Mrs. Brigham, Elizabeth and Miss Stone. Mr. King then said, our daughter Elizabeth had used her influence to prevent a young lady from attending school. [This was doubted by Mrs. Brigham, and a running conversation pursued, of no consequence to the case at issue, which we have not room to insert.] The next interview I (witness) had with Mrs. Stone and Emeline was at my house, about the 15th of September. They called there about sunset on Saturday evening. As soon as they entered the room, Mrs. Stone, apparently in great excitement, said she had concluded not to say anything more to me on the subject of our difficulties,—said she had made a statement to the Deacons and to brother Johnson,—said Deacon Haven told her, I would confess anything, and of course she supposed I should now confess the falsehood. I told her I could not conscientiously do that, but was willing to confess so far as I had done wrong. She then said to Emeline, “well, we may as well go home, if Mr. B. won’t confess.” I then said, you had better be seated and converse about it. They did then sit down. Mrs. Stone said she had always thought me a perfect man,—told her I regreted that, as I was very imperfect. Well, said she, I have always thought you so, and if you will only confess this falsehood, you shall hear nothing more from me on the subject,—told her I could not. Miss Emeline then exclaimed, “how foolish it is for you to deny that you have told a falsehood.” They soon left,—told them I hoped they would reflect upon the subject, and when they were ready to converse, should like to see them. The next interview was about ten days after, in my study, with them and the Deacons and brother Johnson. Emeline read the charges against me, which they had put upon paper. Mrs. Stone thought there might be some inaccuracies of expression in the statement, but, said she, they were the precise words used in the conversation with Mr. Brigham, and we didn’t *dare to alter a single word*”!!! Mrs. Stone then asked if I assented to the truth of the statement,—told her part was true and part not.

I then made a statement of the conversation I had had in Mrs. Stone's family,—it was the same in substance that I have given now. After this, but before they left, I stated to Emeline that she had in one instance misremembered her own language, and it was not impossible, that she might not again be mistaken. I referred to the remark made by Mrs. Brigham to her, in reference to Mr. King's not wishing to stay at any rate. She said she had never said it, and called God to witness the truth of her statement. Brother Johnson said he was sorry to hear her use such an expression. She then exclaimed, with emotion, "Oh! how cruel, for any one to put the lie upon me"! [Witness recollected nothing more having a direct bearing upon the case, and we have omitted the remainder of his testimony.]

Cross Examined. Had no confidential conversation with Mr. King after the one spoken of in February. Am positive of this,—think this conversation was before Mr. King joined my Church,—think he might have called on me once or twice after he met the brethren at my house, to converse about joining my Church,—think I had no conversation with Mr. King about the character of the Academy after February. Don't recollect that he said anything about the sectarian character of the Academy when I called upon him the morning I went to Boston. Mr. K. has never called frequently at my house. When Mr. King called to converse confidentially, I recollect that he wore a cloak. Can't say whether or not I ever said anything to Mr. King about the motives of the Trustees, in electing me a member of their Board. Did not say to any body that I did not speak at the meeting of the Board, when it was agreed not to re-engage Mr. King. In all conversations with Mr. K. I always intended that he should understand that I acted with the Board against him. Never said to Mr. King that the Trustees would "discourage and dishearten him," or that they would get him away at the end of the year, as expressing my own opinion. I told him I had been told by some of my people, that an orthodox teacher would not long be retained. This some persons had told me,—cannot clearly recollect the individuals who had given me this information, but think Capt. Esty had so informed me. I once told Mr. King the meeting of the Board which decided against him was informal, and not, that it was a mere matter of form. I left Mrs. Stone and Emeline with the impression that they were *not* satisfied with my conduct. Am satisfied that I informed them fully that I had taken a

part equally with the other members of the Board, in the decision against Mr. King.

[This witness was cross examined with great precision and at great length, but as there were no new facts elicited, or material contradictions to his direct evidence, we omit it.]

David S. Brigham. Am son of Rev. David Brigham. Was in Randolph last election week: [Here it was conceded by the Counsel for the Complainants that Mr. King was mistaken as to having conversed with Mr. Brigham in his study on the 2d of June, and this witness was discharged.]

Deacon Haven and Mr. Patton Johnson were called to prove that Mrs. and Miss Stone had called upon them to state their grievances, and for the purpose of bringing the matter before the Church, but as their testimony is not very material to a correct understanding of this case, we omit its details for want of room.

Mrs. Elizabeth Brigham. Was in company with my husband when he went to converse with Mrs. Stone on the 1st of August. Immediately after we were seated, Mrs. Stone said "Mr. Brigham you have voted Mr. King out of the Academy, have'nt you." Mr. B. said "no Mrs. Stone, I did not vote Mr. King out of the Academy, there was no vote taken." Mrs. Stone then said "I told them Mr. Barry lied." Mr. B. said Mrs. Stone I will explain,—Mr. Barry was right, we were agreed in our opinions. He went on to say the meeting was not regular, that the Committee had concluded not to re-engage Mr. King before the meeting was called, and that it was called merely to get an expression of opinion. Mrs. Stone then said, then you did not vote Mr. King out did you? He said no. She then said I told my husband and Edward "that those Unitarians lied." Mr. B. said that was a hard accusation to make without proof. Emeline said, "Mr. Brigham, the Unitarians have lied and they will lie." She went on to say she thought it very hard that Mr. King should be turned away without longer notice, &c. She said, "Mr. Brigham, I think if you were his friend, you would have made an effort to retain him." I then said, "Emeline, has not Mr. King said he would not stay longer, unless they gave him the rent of the house. Mrs. Stone said Mr. King did not wish for the house on any terms. I then asked Emeline if she had not said, that Mr. King would not remain in the Academy at any rate. She said she had never said so, for she always knew that he wanted to stay. I told her I had heard that she had said, nothing would induce Mr. King to

remain. She said she had never said anything like it. This is all I recollect that occurred at this time. On the 3d of September we called there again, just after dinner. Mr. King went in about the time we did. Mr. Brigham commenced the conversation by saying that he had invited Mr. King in there with us,—said there was a great misunderstanding of a previous conversation, and that he thought there might be an explanation. Mrs. Stone said she thought there could be no explanation, as she knew there had been no misunderstanding,—said she had repeated the previous conversation to her husband and Edward, and that it was so, there was no mistake. She told Mr. Brigham that she was very much dissatisfied, and that she should not be satisfied until he confessed the falsehood. He said he was not conscious that he had told a falsehood, and of course he could make no acknowledgments. Miss Emeline then said, “Mr. Brigham, how *foolish* to deny the falsehood”! [Reference was here made to the attempt of Miss E. Brigham to prevent scholars from attending school, but as it has been once stated, we omit its repetition.] The next time I saw Mrs. and Miss Stone was when they called at our house. Mr. B. was in his study, and I waited upon them to it. [Conversation the same as related by Mr. Brigham.] The next interview was when the Deacons and brother Johnson met with them at our house. Mrs. Stone presented a written statement of their grievances. [Same as before referred to, and in substance similar to the charges on the 3d and 4th pages.] Emeline read it, and Mrs. Stone said it might not be written in the best style, but it was just as it was spoken, and she did “not dare to alter a single word.” Mr. Brigham then stated the conversation as he understood it, and I did the same. After this Mr. Brigham said, “brethren, you have heard the statements on both sides, and I am willing to submit it to your decision. Mrs. Stone said, “I am not willing to submit it, and she went on to state her grievances further. Brother Johnson said, “Mrs. Stone, if you are not willing to leave it here, I fear you will see more trouble.” At Mr. Brigham’s request, I then stated the conversation I had with Miss Emeline upon the subject of Mr. King’s not being willing to remain at any rate. [Same as before stated, and Miss Stone’s reply the same.] Mr. Brigham remarked that he feared she was mistaken, for he had a certificate in his pocket, stating that she had said that “nothing would induce Mr. King to stay.” She denied it, and called God to witness, and ex-

claimed, "O! how cruel it is to be accused of lying." Mr. B. said he thought he knew how to sympathize with her.—Mr. B. told her he did not introduce this certificate to accuse her of lying, but to show that she might be mistaken.

[This witness was cross examined at considerable length, but as no new facts were elicited, or contradictions made, it is unnecessary to repeat the details.]

Mrs. Susan Kellogg. Once had a conversation with Miss Emeline E. Stone upon the subject of Mr. King's remaining in the Academy. I called there, I think, in May last. Miss Emeline said she thought it a shame that our people didn't patronize the school,—that formerly there was some excuse, but since Mr. King had joined our Church they knew what the school was. I asked her if it was not customary for the Trustees to re-engage the teacher before that time,—she said Mr. King would not stay at any rate, or that she thought he would not.

Cross Examined. I give her words as near as I can recollect, but can't say positively that I use her precise words. Don't recollect that she said he would not stay unless there were more scholars. Don't recollect whether or not I ever spoke to a Mrs. Gordon upon this subject. Can't tell when I first recollected this remark. Gave a certificate of this conversation previous to a Church meeting,—I wrote it in my own chamber, and no one was present.

Several other witnesses were called upon immaterial points, whose testimony we must omit, and the defence was here closed.

The Counsel for the complainants, in review, called Mr. Brigham to state where he was on Saturday, the 10th of June. He could not clearly say, but presumed he might be at home.

Rufus T. King called again. Witness concluded that he was mistaken in fixing the time of the confidential conversation with Mr. Brigham on the 2d of June, but in recollecting the circumstances, had then "no doubt that the conversation occurred at least a week later than before stated," which would make it the 9th or 10th of June.

The deposition of a Mrs. Kendall, who lives in the neighborhood, was here introduced, to show that she saw Mr. King, on the 9th of June, or about that time, go towards Mr. Brigham's house, and enter the gate.

Miss Emeline E. Stone was called again, having concluded to reveal the name of the person, who had told her of an existing coldness between Mrs. Brigham, Elizabeth and her-

self. It was Mrs. Lawson Kingsbury. Witness had no recollection of ever telling Mrs. Kellogg that Mr. King would not stay.

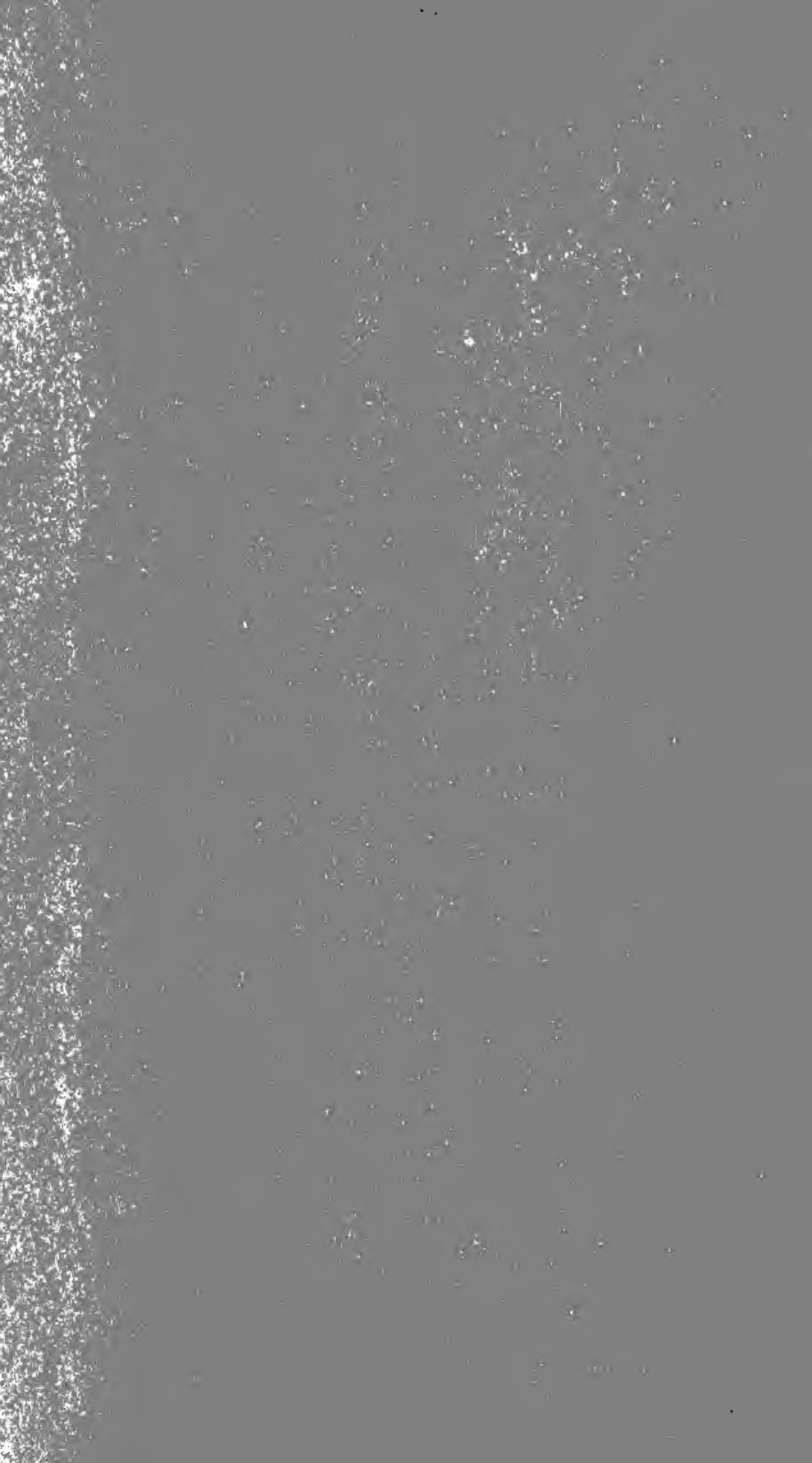
There were several other witnesses called upon immaterial points, and the examination of witnesses closed.

Pliny Merrick, Esq., closed the case for the Defendant in an argument, occupying about six hours in its delivery. It was full of pathos and eloquence, and so clear and explicit in its details and conclusions, as to warrant the remark, that every point was used to the best possible advantage. *Charles Allen, Esq.*, senior Counsel for the Complainants, closed the case in an argument of about the same length, which was characterised by sound, practical reasoning, and a clear and forcible illustration of the various principles applicable to a correct understanding of the facts.

After several hours examination of all the facts, the Referees gave as their opinion, that the REV. DAVID BRIGHAM is NOT GUILTY of the charges preferred against him.

ERRATA,

On the 3d page, for "Pastor of the First Congregational Society of Framingham," read Pastor of the "Hollis Evangelical Church," &c. On 4th page, for Emeline J. Stone, read Emeline E. Stone.



MAY 24 1935

